

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT D. GERINGER,

Plaintiff,

v.

JESSE DERRELL McBRAYER,

Defendant.

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CASE NO. CV 06-B-1161-S

MEMORANDUM OPINION AND ORDER

This case is currently before the court on Plaintiff's Motion for Entry of Consent Judgment. (Doc. 57.)¹ On March 20, 2008, Plaintiff Robert D. Geringer and Defendant Jesse Derrell McBayer entered into a Settlement Agreement and General Release (the "Agreement"). (Doc. 57, Ex. 1.) Under the terms of the Agreement, Defendant was obligated to make certain periodic payments to Plaintiff on the first day of each month over a period of ten months beginning on April 1, 2008. (Doc. 57, Ex. 1 at 3, ¶ 2.0.) Defendant timely made the first payment due on April 1, 2008 however, Plaintiff has informed the court that after receiving several extensions of the May 1, 2008 deadline for the second payment, Defendant ultimately informed Plaintiff's counsel that he would be unable to make the May 2008 payment notwithstanding the multiple extensions of the May 1, 2008 deadline. Plaintiff states that since that time, Defendant has failed to answer

¹ Reference to a document number, ["Doc. ____"], refers to the number assigned to each document as it is filed in the court's record.

his phone and failed to return telephone calls from Plaintiff's counsel. Accordingly, Plaintiff has filed its Motion for Entry of Consent Judgment (doc. 57), along with a copy of the agreed-upon Order of Judgment for entry by the court. (Doc. 57, Ex. 1, Ex. A.)

Based on the forgoing, the court is satisfied that Plaintiff is entitled to entry of the agreed-upon Consent Judgment against Defendant in accordance with the terms of the Settlement Agreement and General Release. Therefore, it is hereby **ORDERED** that Plaintiff's Motion for Entry of Consent Judgment (doc. 57) is **GRANTED**. The Order of Judgment will be entered contemporaneously with this Memorandum Opinion and Order.

DONE, this the 30th day of September, 2008.


SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE